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Please reply to JOHN M. PELKEY
jpelkey@gsblaw.com TEL EXT 2528

May 19, 2004

Our File No. 21216-00100-61

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

MAY 19 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Piscataway Board of Education
and
King's Temple Ministries, Inc.
MB Docket No. 04-144

Dear Ms. Dortch:

Transmitted herewith on behalf of King's Temple Ministries, Inc., are an original and four copies of its Opposition to Petition for Reconsideration with respect to the above-referenced proceeding.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,

John M. Pelkey

Enclosure
JMP:yg

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MAY 19 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of	)	MB Docket No. 04-144
)	
PISCATAWAY BOARD OF EDUCATION)	
)	
For Renewal of License	)	Facility ID No. 52686
For Noncommercial Educational	)	File No. BPED-19980427WA
Station WVPH(FM), Piscataway, New Jersey)	
)	
and)	
)	
KING'S TEMPLE MINISTRIES, INC.)	
)	
For Construction Permit	)	Facility ID No. 91347
For a New Noncommercial Educational	)	File No. BPED-19980805MB
FM Station, Plainfield, New Jersey)	
)	
To Chief, Audio Division, Media Bureau		

OPPOSITION TO PETITION FOR RECONSIDERATION

King's Temple Ministries, Inc. ("King's Temple"),¹ through counsel, hereby opposes the Petition for Reconsideration filed by Piscataway Board of Education ("PBE") in the above-captioned proceeding. As will be shown below, PBE has failed to set forth good cause for the rescission of the *Hearing Designation Order* ("HDO") wherein the Chief, Audio Division, Media Bureau, designated the above-referenced applications for a hearing limited exclusively to the establishment of the terms and conditions of a time sharing arrangement whereby both King's Temple and PBE would be able to operate noncommercial radio stations transmitting on 90.3 MHz in Plainfield, New Jersey, and Piscataway, New Jersey, respectively. As a result, the HDO should be reaffirmed and the administrative law judge should be instructed to proceed with

¹ King's Temple Ministries, Inc., has changed its name to King's Temple Ministries World Outreach Church, Inc. The change is a name change only. The name change was reported in an amendment submitted to Administrative

the hearing to establish the terms and conditions of the time sharing arrangement between King's Temple and PBE. In support of this submission, King's Temple states as follows:

I. Background

On August 5, 1998, King's Temple filed the above-referenced application to construct a new station to operate on 90.3 MHz at Plainfield, New Jersey. The proposal sought a share-time arrangement with existing station WVPH(FM), Piscataway, New Jersey. PBE, which is the licensee of WVPH(FM),² had been sharing WVPH(FM)'s frequency with Highland Park High School, which had conducted its share time operations on 90.3 MHz, using call sign WVHP-FM, until that license expired. Through the end of the license term expiring on June 1, 1998, PBE continued to operate WVPH(FM) on a part-time basis.

The King's Temple application explained to the Commission that PBE did not operate WVPH(FM) twelve hours per day each day of the year. As a result, King's Temple invoked Section 73.561(b) of the Commission's rules, which prescribes that any noncommercial station that does not operate twelve hours per day each day of the year "will be required to share use of the frequency upon the grant of an appropriate application purposing such share time arrangement."

King's Temple included with its application a copy of a proposed Time Share Agreement that would permit PBE to operate on 90.3 MHz on weekdays from 6:00 a.m. to 6:00 p.m. In addition, PBE would have the ability to air athletic contests on Fridays from 6:00 p.m. to 12:00 midnight and Saturdays from 7:00 a.m. to 7:00 p.m. upon prior notice to King's Temple.

Relying upon the plain language of Section 73.561(b), the Commission staff issued the

Law Judge Arthur Steinberg, along with a covering motion seeking leave to amend, on May 10, 2004. A copy of the Motion for Leave to Amend and accompanying amendment are attached hereto as Exhibit A.

HDO ordering an “expedited hearing limited solely to the issue of sharing time.” Specifically, the *HDO* ordered a hearing

To establish the terms and conditions of a time sharing arrangement, including the hours of the day throughout the year during which each licensee is to operate, and to set forth such terms and conditions in a written document. Such arrangement shall not include simultaneous operation of the stations.

II. The *HDO* Correctly Applied Applicable Precedent and Section 73.561(b).

In its Petition for Reconsideration, PBE argues that the Commission staff should have provided PBE with an opportunity to demonstrate that it has operated WVPH(FM) for a least twelve hours per day and that, provided with such opportunity, it would demonstrate that the station is being operated by PBE for more than twelve hours per day. In addition, PBE argues in its Petition for Reconsideration that the Commission should expand the scope of the issue designated for hearing to permit PBE to provide additional information concerning its operation of WVPH(FM) from 1999 to 2004.

In attempting to make its case, PBE relies exclusively upon the Commission’s decision in *Seattle Public Schools*.³ Such reliance is misplaced. In *Seattle Public Schools*, the Commission was confronted with a situation wherein an incumbent station was temporarily unable to meet the twelve hour per day floor established in Section 73.561(b). Although the station generally had been meeting the Section 73.561(b) standard, the licensee had programmed the station for only 35 hours per week for approximately seven months of the license term,. Prior to the expiration of the license term, however, the station again began operating regularly for more than 84 hours per week (i.e., an average of 12 hours per day). The Review Board characterized the period during which the station was operated for less than 12 hours per day as being “a relatively brief

² The Commission’s CDBS database indicates, however, that Piscataway High School is the licensee of WVPH(FM)

interlude.”⁴ Under such circumstances, the Commission was unwilling to find that Section 73.561(b) was mandatory in nature and required the grant of the competing share time application.

The situation in the present case is far different from that confronted by the Commission in *Seattle Public Schools*. In the present case, the Commission is not dealing with a “brief interlude.” As PBE implicitly acknowledges in its Petition for Reconsideration, PBE did not begin programming WVPH(FM) for the requisite twelve hours per day until after the license term had expired. Thus, the Petition for Reconsideration states “...Piscataway has been operating Radio Station WVPH-FM twenty-four hours each day, almost every day of the year since 1999.”⁵ The WVPH(FM) license term, however, expired on June 1, 1998. Nowhere in the Petition for Reconsideration does PBE claim that it met the twelve hour per day floor for even a single day of the license term.⁶

Although the Commission explained in *Seattle Public Schools* that Section 73.561(b) is not a hard and fast rule requiring the grant of competing share time applications if the incumbent licensee fails to program its station for the required twelve hours per day for a brief period of time, it is also true that *Seattle Public Schools* could not have been intended to permit a licensee to fail to program its station for at least twelve hours per day for every single day of the station’s license term. If the Commission were to let PBE off the hook in this case, the effect would be to gut Section 73.561(b). A licensee could safely ignore the twelve hour per day requirement in the full knowledge that it would not become necessary to program the station for at least twelve hours per day until a competing time share application were filed. At that point, the licensee

³ 103 FCC2d 862 (1986) (Hearing Designation Order), 60 RR2d 1073 (1986) (Memorandum Opinion and Order modifying Hearing Designation Order); 65 RR2d 1621 (Rev. Bd. 1989)

⁴ 65 RR2d at 1650 (para. 85)

⁵ Petition for Reconsideration at 2.

could simply begin programming the station for twelve hours per day in the assurance that no share time issue could ever be designated for hearing. Obviously, this is not what the Commission had in mind when it adopted the twelve hour per day requirement as a means of helping to ensure maximum use of the spectrum.

In any event, PBE suffers no harm through the imposition of a shared time arrangement with King's Temple. PBE was awarded use of 90.3 MHz as a result of its share time arrangement with Highland Park High School. Thus, as can be seen from the original WVPH(FM) construction permit and license issued in 1976, operation by PBE was to be on a share time basis with WVHP-FM.⁷ Moreover, when PBE filed its application leading to the issuance of authority to construct the facilities currently in use by WVPH(FM), the application clearly stated that the station would be operating from 8:00 a.m. to 4:00 p.m. and further explicitly acknowledged that the station would be operated on a share time basis with WVHP-FM.⁸ To the extent that PBE has begun operating WVPH(FM) for more than twelve hours per day, it has done so merely as part of a land grab, making use of air time that became available when WVHP-FM ceased operations. Thus, rather than seeking to deprive PBE of the use of its station, King's Temple is doing nothing more than seeking to re-establish the situation that existed prior to PBE's usurpation of additional air time in 1999.

The Commission staff acted correctly in issuing the *HDO* limited to the single issue of the appropriate terms and conditions for a share time arrangement. The instant situation bears no similarity to the situation confronted by the Commission in *Seattle Public Schools*. This is not an instance where a station has experienced a "brief interlude" of sub-standard operation.

⁶ In fact, the Petition for Reconsideration begrudgingly acknowledges that "the WVPH-FM operating schedule might have been less than full-time at the time its 1998 license renewal application was filed " Petition for Reconsideration at 8.

⁷ Copies of the original construction permit and license for WVPH(FM) are attached hereto as Exhibit B

⁸ See Exhibit C, hereto

Rather, this is a situation where a licensee failed to achieve even minimal compliance with Section 73.561(b) and now seeks to remedy that failure and obtain Commission sanction for its operation beyond the parameters of its original share time authorization by unilaterally commencing 24 hour per day, seven day per week, programming after the end of the license term.

III. King's Temple Has Not Undergone a Major Change in Ownership since the Submission of its August 5, 1998 Application.

As would be true with respect to nearly any non-profit organization or institution, King's Temple has undergone changes in its governing structure during the nearly six years that has elapsed since its share time application was filed. Indeed, it is curious that PBE chose to fault King's Temple for these changes inasmuch as, according to CDBS, PBE has never sought Commission consent to a change in control of the PBE board in the nearly thirty years that PBE has been a Commission licensee.

The present King's Temple board of directors is as set forth in the Amendment submitted to Administrative Law Judge Arthur Steinberg. A copy of that proposed amendment is included as part of Exhibit A attached hereto. As PBE correctly points out, there have been a number of changes in the board. These changes have not come about, however, as the result of a radical change in the composition of the King's Temple board. Rather, the current board includes board members who had been board members just prior to the submission by King's Temple of the August 5, 1998, application and new board members who have taken their positions for the first time since the submission of the application. The loss of Sandra Crofton and Vernon Kirkwood as board members does not reflect a sudden change in the board. Rather, Ms. Crofton left her position in 2002 and Mr. Vernon Kirkwood left his position on the board in 2000. The Commission has recognized that such gradual changes in control are deemed to be *pro forma* in


nature in the case of a noncommercial licensee.⁹ The change in control being *pro forma* in nature, Section 73.3573 does not come into play and, as a result, dismissal of the King's Temple application would be inappropriate.¹⁰

CONCLUSION

For the reasons set forth above, the Petition for Reconsideration should be denied and the hearing on the PBE and King's Temple applications should proceed with the only issue before the judge being the appropriate hours during which each of the respective entities will be able to broadcast on 90.3 megahertz.

Respectfully Submitted,

KING'S TEMPLE MINISTRIES, INC.

By: 
John M. Pelkey
Its attorney

Garvey Schubert Barer
1000 Potomac Street, 5th floor
Flour Mill Building
Washington, D.C. 20007
Date: May 19, 2004

⁹ See *In Re Transfers Of Control Of Certain Licensed Non-Stock Entities*, 4 FCC Rcd. 3403, 3405-06 (1989).

¹⁰ PBE implies that there is a discrepancy between the ownership information reported to the Commission and the information reported to the state of New Jersey. The information provided to the Commission is correct. The form on which the ownership information was reported to the state included only three lines for the submission of the names of officers and directors and, as a result, only three names were provided.

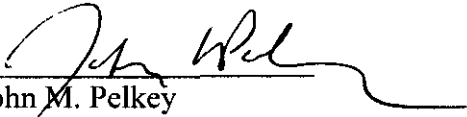
Certificate of Service

I, John M. Pelkey, Esquire, hereby certify that on this 19th day of May, 2004, I have served a copy of the foregoing "Motion for Leave to Amend Application" first-class, postage-prepaid, on the following:

*James Shook
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th, Street, S.W., Room 3-A463
Washington, D.C. 20554

Cary S. Tepper, Esquire
Booth Freret Imlay & Tepper, PC
7900 Wisconsin Avenue, Suite 304
Bethesda, MD 20814-3628

*Judge Arthur I. Steinberg
Federal Communications Commission
445 12th, Street, S.W., Room 1-C862
Washington, D.C. 20554



John M. Pelkey

* denotes delivery by-hand

EXHIBIT A



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washington, dc 20007-3501

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GARVEY SCHUBERT PARTER

Please reply to JOHN M. PELKEY
jpelkey@gsblaw.com TEL EXT 2528

May 10, 2004

STAMP & RETURN

Our File No. 21216-00100-61

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

MAY 10 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re. Piscataway Board of Education
and
King's Temple Ministries, Inc.
MB Docket No. 04-144

Dear Ms. Dortch:

Transmitted herewith on behalf of King's Temple Ministries, Inc., are an original and six copies of a Motion for Leave to Amend and the corresponding Amendment to be forwarded to Administrative Law Judge Arthur Steinberg with respect to the above-referenced proceeding.

The Motion that accompanies the Motion for Leave to Amend is being filed in hard copy, rather than being filed electronically, because the Commission's CDBS reflects that the application has been granted and, as a result, will not permit the submission of amendments.

If there are any questions concerning this submission, please contact the undersigned directly.

Sincerely,

John M. Pelkey

Enclosure
JMP:yg

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Applications of	)	MB Docket No. 04-144
)	
PISCATAWAY BOARD OF EDUCATION)	
)	
For Renewal of License	)	Facility ID No. 52686
For Noncommercial Educational	)	File No. BPED-19980427WA
Station WVPH(FM), Piscataway, New Jersey)	
)	
and)	
)	
KING'S TEMPLE MINISTRIES, INC)	
)	
For Construction Permit	)	Facility ID No. 91347
For a New Noncommercial Educational	)	File No. BPED-19980805MB
FM Station, Plainfield, New Jersey)	

To: Administrative Law Judge, Arthur I. Steinberg

MOTION FOR LEAVE TO AMEND

King's Temple Ministries, Inc. ("King's Temple"), through counsel, hereby respectfully requests leave to amend its pending application in the above-referenced matter so as to provide the Commission with updated information concerning its current address and corporate name, its ownership structure and its other media interests. A copy of the proffered amendment is attached hereto. In support of this motion, King's Temple states as follows:

King's Temple filed the above-referenced application on August 5, 1998. In the nearly six years that have elapsed since the submission of the application, changes have occurred with respect to King's Temple mailing address and name, the composition of its board of directors and its possession of other media interests. The Amendment that is attached hereto provides the

requisite updated information concerning King's Temple as required by Section 1.65 of the Commission's rules.

I. Change in Address and Corporate Name.

The post office box being used by King's Temple has changed since the submission of its application. King's Temple's current address is P.O. Box 231 Plainfield, New Jersey 07061-0231. In addition, King's Temple has changed its name to King's Temple Ministries World Outreach Church, Inc. This is a name change only.

II. Changes in Board of Directors

At the time that King's Temple filed its application, the application listed a total of four directors, including Reverend Gary Kirkwood, who is Pastor and Senior President of King's Temple, and Thomas Mobley, who is Vice President of King's Temple. Although Reverend Kirkwood and Mr. Mobley continue to be board members and President and Vice President, respectively, of King's Temple, the board has changed over the last six years to now include seven voting members.¹ The change in the composition of the board has occurred gradually with two of the Board Members, namely Sandra Crofton and Vernon Kirkwood, having left in approximately 2002 and 2000, respectively. Such gradual changes in control are deemed to be *pro forma* in nature in the case of a noncommercial licensee. *See In Re Transfers Of Control Of Certain Licensed Non-Stock Entities*, 4 FCC Rcd. 3403, 3405-06 (1989).

¹ The board also includes Board Members who do not vote

III. Other Media Interests.

Subsequent to the submission of its share time application, King's Temple filed an application to purchase the stock of K&M Broadcasters, Inc. ("K&M"), licensee of WKMB(AM), Stirling, New Jersey.² That application was granted and King's Temple subsequently purchased the K&M stock, at which point it became possessed of an attributable interest in WKMB(AM). The proffered amendment reports that ownership interest.

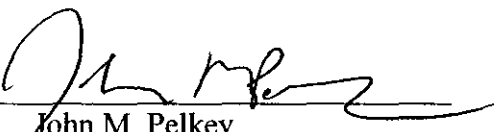
IV. The Amendment is Timely Filed Under the Circumstances.

At the time that King's Temple filed its application to purchase the K&M stock, the Commission's CDBS database contained two entries with respect to the above-referenced application. One entry indicated that the application had been "tendered for filing." The second entry included a reference to a December 10, 1999 file number, cross referenced the original share time application and indicated that the submission had been "dismissed." As a result, although it was somewhat mystified by the dismissal of which it had not received notice, King's Temple did not amend the apparently-dismissed share time application to report its purchase of the K&M stock. In March, 2004, King's Temple retained counsel to look into the question of why the above-referenced application apparently had been dismissed. At that time, counsel had the Commission's files searched to locate a copy of the dismissal letter. No letter could be found. Counsel then contacted the Commission staff to determine the status of the share time application and was told to expect a pronouncement shortly. Operating on the assumption that the King's Temple application perhaps had not been dismissed, King's Temple's counsel wrote to the Commission staff. A few days later, the HDO was issued. It was not until the HDO was issued that King's Temple finally discovered that its share time application had not been

dismissed. King's Temple is submitting this Motion and accompanying Amendment within thirty days of the issuance of the HDO and respectfully requests that it be granted leave to file the Amendment so as to ensure that its application is up-to-date. Because the proffered amendment was filed within 30 days of King's Temple's discovery that its application had not actually been dismissed, does no more than update the information contained in the King's Temple application, does not seek to improve King's Temple's position in this proceeding or disadvantage Piscataway Board of Education and would not disrupt the orderly conduct of this proceeding, King's Temple should be granted leave to amend its application. *See Erwin O'Connor Broadcasting Co* , 22 FCC 2d 140 (Rev. Bd. 1970).

Respectfully Submitted,

KING'S TEMPLE MINISTRIES, INC.

By: 
John M. Pelkey
Its attorney

Garvey Schubert Barer
1000 Potomac Street, 5th floor
Flour Mill Building
Washington, D.C. 20007

Date: May 10, 2004


² See BTC-20020913AAG. K&M has since changed its name to World Harvest Communications, Inc.

Certificate of Service

I, John M. Pelkey, Esquire, hereby certify that on this 10th day of May, 2004, I have served a copy of the foregoing "Motion for Leave to Amend Application" first-class, postage-prepaid, on the following:

*James Shook
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th, Street, S.W., Room 3-A463
Washington, D.C. 20554

Cary S. Tepper, Esquire
Booth Freret Imlay & Tepper, PC
7900 Wisconsin Avenue, Suite 304
Bethesda, MD 20814-3628


John M. Pelkey

* denotes delivery by-hand

FOR
FCC
USE
ONLY

FCC 340

APPLICATION FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1 Legal Name of the Licensee/Permittee King's Temple Ministries World Outreach Church, Inc.		
Mailing Address P.O. Box 231		
City Plainfield	State or Country (if foreign address) NJ	ZIP Code 07061
Telephone Number (include area code) 908-753-7848	E-Mail Address (if available) GKIRK75039@aol.com	
Call Sign 980805MB	Facility Identifier 91347	

2 Contact Representative (if other than licensee/permittee) John M. Pelkey	Firm or Company Name Garvey Schubert Barer
Telephone Number (include area code) 202-965-7880	E-Mail Address (if available) jpelkey@gsblaw.com

3 Is this application being filed in response to a window? ☐ Yes ☒ No

If Yes, specify closing date and/or window number: _____

4. Application Purpose.

- | | |
|--|--|
| <input type="checkbox"/> New station | <input type="checkbox"/> Major Modification of construction permit |
| <input type="checkbox"/> Major Change in licensed facility | <input type="checkbox"/> Minor Modification of construction permit |
| <input type="checkbox"/> Minor Change in licensed facility | <input type="checkbox"/> Major Amendment to pending application |
| | <input checked="" type="checkbox"/> Minor Amendment to pending application |

a File number of original construction permit. _____ ☐ N/A

b Service Type ☒ FM ☐ TV ☐ DTV

c. Community of License:

City Plainfield	State NJ
--------------------	-------------

d. Facility Type. ☒ Main ☐ Auxiliary

If an amendment, submit as an Exhibit a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No 1

6. a. **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary

Name and Residence/Headquarters Address(es) (a)	Citizenship (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc. (c)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M) (e)	% of Total Assets (equity plus debt) (f)
			Yes	No		
Andre Crawford 1141 Thornton Avenue Plainfield, NJ 07062	US	Board Member	Yes		0	0
Cynthia Crawford 1141 Thornton Avenue Plainfield, NJ 07062	US	Executive Secretary Board Member	Yes		14.2 (M)	0
David Kirkwood 31 Holly Street Somerset, NJ 08873	US	Board Member	Yes		0	0
Gladys M. Harris 530 Glennwood Dr. Piscataway, NJ 08854	US	Board Member	Yes		0	0
Jim Mobley 58 W. 8th Street Plainfield, NJ 07060	US	Treasurer Board Member	Yes		14.2 (M)	0
Elissa E. Prayer Dartmouth Avenue Lridgewater, NJ 08807	US	Financial Board Member	Yes		14.2 (M)	0
Iron Harris 530 Glennwood Dr. Piscataway, NJ 08854	US	Chaplain Board Member	Yes		14.2 (M)	0

- b Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

☒ Yes ☐ No

See Explanation
in Exhibit No

- 6 a **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

Name and Residence/Headquarters Address(es) (a)	Citizenship (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc. (c)	Director or Member of Governing Board		% of Ownership (O) or Voting Stock (VS) or Membership (M) (e)	% of: Total Assets (equity plus debt) (f)
			Yes	No		
Rev. Gary Kirkwood 12 Winston Drive Somerset, NJ 08873	US	Senior President Board Member	Yes		14.2 (M)	0
Thomas E. Mobley 158 W. 8th Street Plainfield, NJ 07060	US	Vice President Board Member	Yes		14.2 (M)	0
Loyola Pope-Kirkwood 11 Holly Street Somerset, NJ 08873	US	Board Member	Yes		0	0
Valerie Jenkins 17 Center Street Miscataway, NJ 08854	US	Sergeant at Arms Board Member	Yes		14.2 (M)	0

- b Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party

☒ Yes ☐ No

See Explanation
in Exhibit No

This box is for FCC use only:

Technical Points:

- ☐ 0 points.
- ☐ 1 point Applicant's proposal covers the largest area and population, and both area and population are 10% greater than next best proposal; or
- ☐ 2 points Applicant's proposal covers the largest area and population, and both area and population are 25% greater than next best proposal.

POINTS CLAIMED BY APPLICANT (from Questions 1-3)

TECHNICAL POINTS? (from Question 4)

TOTAL POINTS

Section V -- Tie Breakers -- New and Major Change Applications Only (used to choose among competing radio and television applicants receiving the same number of points in Section IV)

- 1 **Existing Authorizations.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of commercial and noncommercial licenses and construction permits)

- 2 **Pending Applications.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of pending commercial and noncommercial applications)

Section VI -- Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

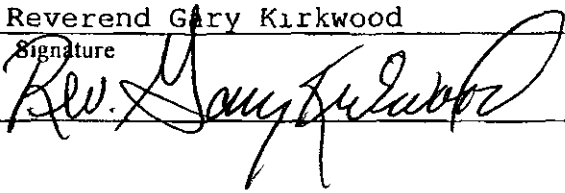
Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Reverend Gary Kirkwood	Senior President
Signature	Date
	5/6/04

Exhibit 1
FCC 340
Application for Construction Permit
Non-Commercial Educational Broadcast Station
King's Temple Ministries World Outreach Church, Inc.

Exhibit 1

This Amendment is being submitted to provide the Commission with a corrected address for the applicant and with updated information concerning the applicant's board of directors and the applicant's attributable interests in other media. Specifically, Section I, Question 1; Section II, Question 6; and Section II, Question 7 are being amended through this Amendment.

Exhibit 2
FCC 340
Application for Construction Permit
Non-Commercial Educational Broadcast Station
King's Temple Ministries World Outreach Church, Inc.

Exhibit 2

The applicant holds all of the stock in World Harvest Communications, Inc., which is the licensee of WKMB(AM), Stirling, New Jersey, Facility ID No. 32985.

EXHIBIT B

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

File No.:
Call Sign: **BPED-1995**

~~NOT CLASSIFIED~~
FM BROADCAST STATION CONSTRUCTION PERMIT

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to the conditions set forth in this permit, 1/ authority is hereby granted to construct an FM broadcast station located and described as follows

Permittee

**BOARD OF EDUCATION PISCATAWAY TOWNSHIP, NEW JERSEY
(PISCATAWAY HIGH SCHOOL)**

Authorized assignment:

1. Frequency (MHz)
2. Transmitter output power **90.3**
3. Effective radiated power **10 watts**
4. Antenna height above
average terrain (feet) **----**
5. Hours of operation **Unlimited***
6. Station location
7. Main studio location **Piscataway, New Jersey
Piscataway High School, Hoes Lane
Piscataway, New Jersey**
8. Remote Control point **-----**

9. Antenna & supporting structure : North Latitude: **40 ° 32 ' 45 "**
West Longitude: **74 ° 28 ' 25 "**

**GATES FM-22A, 2 sections side-mounted on pole atop building.
Overall height above ground: 62 feet**

10. Transmitter location : **Piscataway High School, Hoes Lane
Piscataway, New Jersey**

11. Transmitter(s) : **GATES BFE-10C**

12. Obstruction markings specifications in accordance with the following paragraphs of FCC Form 715:

13. Conditions:

NONE REQUIRED

**Before program tests are authorized, permittee shall demonstrate compliance with items 1 thru 5 on page 2 of the Public Notice entitled "FM Interference to TV Reception," FCC 67-1012, adopted August 30, 1967, and released September 1, 1967.
*Share-line with WVHP-FM.**

14. Date of required commencement of construction : **March 7, 1976**
15. Date of required completion of construction . . . : **January 7, 1977**

Equipment and program tests shall be conducted only pursuant to Sections 73.216 and 73.217 of the Commission Rules. This permit shall be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow unless completion of the station is prevented by causes not under the control of the permittee. See Section 1.599 of the Commission Rules.

1/ This construction permit consists of this page and pages

Dated **January 7, 1976**
kim

FEDERAL
COMMUNICATIONS
COMMISSION



United States of America
FEDERAL COMMUNICATIONS COMMISSION

File No. **BLER-1528**

Call Sign **WVPH**

FM BROADCAST STATION LICENSE Official Number **873**
NON-COMMERCIAL EDUCATIONAL FM

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to conditions set forth in this license, the LICENSEE

BOARD OF EDUCATION PISCATAWAY TOWNSHIP, NEW JERSEY (PISCATAWAY HIGH SCHOOL)

is hereby authorized to use and operate the radio transmitting apparatus hereinafter described for the purpose of broadcasting for the term ending 3 a.m. Local Time **June 1, 1978**

The licensee shall use and operate said apparatus only in accordance with the following terms

1. Frequency (MHz) **90.3**
2. Transmitter output power **10 watts**
3. Effective radiated power **---**

4. Antenna height above
average terrain (feet) **---**
5. Hours of operation **Unlimited ***

6. Station location **Piscataway, New Jersey**
7. Main studio location **Piscataway High School**
Behmer Road, at Hoes Lane
Piscataway, New Jersey
8. Remote Control point **Piscataway High School**
Behmer Road, at Hoes Lane
Piscataway, New Jersey

9. Antenna & supporting structure: North Latitude: **40° 32' 45"**
West Longitude: **74° 28' 25"**

Gates, type FM-22A, two sections, horizontally polarized side-mounted on pole atop building. Overall height above ground: 62 feet.

10. Transmitter location **Piscataway High School**
Behmer Road, at Hoes Lane
Piscataway, New Jersey

11. Transmitter(s) **Gates, type AVE-10C**

12. Obstruction markings specifications in accordance with the following paragraphs of FCC Form 715: **None required**

13. Conditions:

***Share time with WVHP-FM.**

The Commission reserves the right during said license period of terminating this license or making effective any changes or modification of this license which may be necessary to comply with any decision of the Commission rendered as a result of any hearing held under the rules of the Commission prior to the commencement of this license period or any decision rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this license period.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by section 606 of the Communications Act of 1934.

1/ This license consists of this page and pages **---**

Dated **June 8, 1976**
hlc

FEDERAL
COMMUNICATIONS
COMMISSION



EXHIBIT C

FCC Form 340
May 1977

Approved by GAO
B-180227(R0182)

FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE
CHANGES IN A NONCOMMERCIAL EDUCATIONAL TV, FM, OR
STANDARD BROADCAST STATION

INSTRUCTIONS

A. This form is to be used only in applying for authority to construct a new noncommercial educational TV, FM, or Standard broadcast station or to make changes in an existing station. This form consists of this part, Section I, and the following sections:

- Section II, Legal Qualifications of Broadcast Applicant
- Section III, Financial Qualification of Broadcast Applicant
- Section IV, Statement of Program Service of Broadcast Applicant
- Section V-A, Standard Broadcast Engineering Data
- Section V-B, FM Broadcast Engineering Data
- Section V-C, Television Broadcast Engineering Data
- Section V-G, Antenna and Site Information
- Section VI, Equal Employment Opportunity Program

PREPARE THREE COPIES of this form and all exhibits. Sign one copy of Section I. Prepare one additional copy (a to c) of Section V-G and associated exhibits. File all the above with the Federal Communications Commission, Washington, D. C. 20554. APPLICANTS FILING FOR FINANCIAL ASSISTANCE FROM THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (HEW) SHOULD SUBMIT THIS APPLICATION TO THE FCC AT LEAST 90 DAYS PRIOR TO FILING WITH HEW. Applicants filing with the FCC after this time should not expect FCC approval in time to receive HEW funding. Applicants should check with HEW for proper HEW filing dates. Applicants applying for funding from other government agencies should check with that agency and the FCC to determine filing deadlines for both that agency and the FCC.

C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this Section. Show date of preparation of each exhibit, antenna pattern, and map, and show date when each photograph was taken.

D. The name of the applicant stated herein shall be the exact corporate name, if a corporation, if an unincorporated association, the exact name of the association, if a governmental or public educational agency, the exact name of such agency. The applicant must notify the Commission of any change of address.

E. Information called for by this application which is already on file with the Commission (except that called for in Section III which is less than 90 days old and in Section V-G) need not be refiled in this application provided (1) the information is now on file in another application or FCC Form filed by or on behalf of this applicant, (2) the information is identified FULLY by reference to the file number (if any) the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to, and (3) after making the reference, the applicant states "No change since date of filing." Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will thereafter, in its entirety, be open to the public. (See Section 1.526 of the Commission's Rules and Regulations, "Records to be maintained locally for public inspection by applicants, permittees, and licensees.")

F. This application shall be personally signed by the applicant, if the applicant is an individual, by one of the partners, if the applicant is a partnership, by an officer, if the applicant is a corporation, by a member who is an officer, if the applicant is an unincorporated association, by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity, or by the applicant's attorney in case of the applicant's physical disability or of his absence from the United States. The attorney shall, in the event he signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than his knowledge), he shall separately set forth his reasons for believing that such statements are true.

G. Before filling out this application, the applicant should familiarize himself with the Communications Act of 1934, as amended, Parts 1, 2, 17, and 73 of the Commission's Rules and Regulations.

H. BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.

THIS BLOCK FOR COMMISSION USE ONLY

File No.

1. NAME OF APPLICANT (See Instruction A)

PISCATAWAY HIGH SCHOOL

STREET ADDRESS

HOES LANE AND BEHMER ROAD

CITY

PISCATAWAY

STATE

N.J.

ZIP

08854

2. NAME OF PERSON TO WHOM COMMUNICATIONS SHOULD BE SENT, IF DIFFERENT FROM ITEM 1.

Edgar S. Alster

STREET ADDRESS

Piscataway High School

CITY

Piscataway

STATE

N.J.

ZIP

08854

3(a). PURPOSE OF APPLICATION (Put "X" in appropriate box)

☐ New station

☒ Major change in existing station facilities

☐ Minor change in existing station facilities

(b). If this application is for a change in existing facilities, complete Section I plus any other Sections necessary to show all substantial changes in information previously filed with the Commission, and indicate below the Sections completed and filed with this application.

<input type="checkbox"/>	Section II	<input type="checkbox"/>	Section V-A
<input type="checkbox"/>	Section III	<input type="checkbox"/>	Section V-B
<input type="checkbox"/>	Section IV-A	<input type="checkbox"/>	Section V-C
<input type="checkbox"/>	Section IV-B	<input type="checkbox"/>	Section V-G
<input type="checkbox"/>		<input type="checkbox"/>	Section VI

(c). In the space below refer to information already on file with the Commission which, in accordance with Instruction E, may be incorporated in this application by proper reference.

File or Form No. and Date	Section No.	Paragraph No.
BROADCAST FACILITIES DIVISION		
BLED-1528	5B	3,3,5,6,7,8,
JUL 2 1979	5G	All
AURAL NEW AND CHANGED FACILITIES BRANCH		

4 REQUESTED FACILITIES

TYPE OF STATION

☐ AM

☒ FM

☐ TELEVISION

FREQUENCY

CHANNEL NO.

CALL SIGN

90.3

212

WVPH

HOURS OF OPERATION

POWER IN KILOWATTS

8:00 A.M.-4:00 P.M.

0.2

0.2

ANTENNA HEIGHT ABOVE AVERAGE TERRAIN IN FEET (FM and TV only)

7.5'

STATION LOCATION

CITY

Piscataway

STATE

N.J.

ENGINEERING APPLICATION COVERING

REQUEST FOR POWER INCREASE

Channel 212 90.3 mHz.

WVPH-FM Piscataway, New Jersey

SUMMARY

This engineering report covers those technical phases pertinent to the application of Piscataway High School, Licensee of WVPH-FM to change Class of license from Class D to Class A by increasing its ERP to 200 watts with a center of radiation 7.6 feet above average terrain.

WVPH proposes to utilize its existing Gates 2 bay FM antenna and feedline. The existing Gates type BFE-10C transmitter will be used to drive an LPB model FM-150SS amplifier to a total transmitter power output of 143 watts. This change in facilities will allow WVPH-FM, along with sharetime facility WVHP-FM in Highland Park, New Jersey, to better serve its varied Non-Commercial audience and more effectively utilize the channel assignment in accordance with Commission Actions in Docket 20735.

Engineering details of the FM operation as proposed for WVPH-FM are included within this report, together with the following forms and figures:

FCC Form 340, Section V-B

Section V-G

Figure 1 U.S. Geological Survey, 7-1/2 minute, topographical map showing the combined transmitter studio location, known radio stations and the terrain characteristics near the transmitter site.

Figures 2-14 U.S. Geological Survey, 7-1/2 minute, topographical maps showing the topography along eight radials extending out to 15 miles.

Figures 15-22 Profile Graphs for the terrain 2 to 10 miles from the transmitter site.

Figure 23 Local Aeronautical Chart showing the allocation situation for the proposed power increase.